

6 A 12 1475 a 27
LETTER

FROM A

Gentleman at *Edinburgh*,

To a MEMBER of the

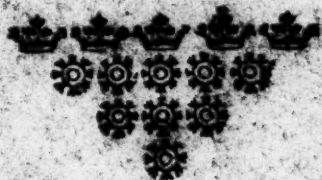
House of Commons

AT

L O N D O N;

C O N C E R N I N G

The PROCEEDINGS of the *Com-*
missioners and Trustees for the *For-*
feitures in *Scotland*, touching the
Sale of the Estate of *James (late) Maule,*
Earl of *Pannure.* K



L O N D O N,

Printed in the Year, MDCCXX.

Price Three Pence.

8
5

12

LETTER

FROM A

Constitutional Assembly

To a Member of the

House of Commons

AT



THE PROCEEDINGS OF THE

Assembly and of the

Committee in relation to the

sale of the Library of

the House of Commons

LONDON

Printed in the Year 1836

By J. G. & J. H. B. R. S.

S I R,

IN my last I promised to transmit to you a more particular Account of the Commissioners Proceedings in the Sale of the Estate of *Panmure*; and to discharge my self of that Engagement, I send you here inclos'd Copies of the Instruments of Protest taken on that Occasion by Mr. *Gordon* and Mr. *Maul*, together with a Copy of the Advertisement publish'd by the Commissioners, pursuant to the Directions of the Act of Parliament, for giving Notice of the Time and Manner of Sale, which are hereunto annexed.

These Papers, Sir, will state the Facts in so clear a Light, that I shall not need to trouble you with making any Observations upon them, further than this, that the Commissioners have, in the whole Course of their Procedure, taken Care to preserve to themselves, and to execute a Power which should give the Estate to the Person they liked best, tho' in Appearance it was to have been sold by Way of Auction to the highest Bidder.

The Advertisement will shew you, that tho' in the Notice given to the Publick, the Estate was parcel'd out into 12 several Baro-
nies,

nies, or Parts, yet a Power is reserv'd to the Commissioners, of selling it together, or in Parcels, as they should think fit at the very Instant of Sale; a Power, which certainly enabled them to baulk every Mortal who came to the Auction with an Intention to buy Parcels only: And you very well know, Sir, That there are very few People in *Scotland* who have Estate sufficient to purchase Lands to the Value of 3233 *L. Sterl. per Annum*; for though for the Parcels of Lands, which ly contiguous to the Gentlemens other Estates, they can afford to give from 22 to 30 Years Purchase in *Scotland*; yet, when an Estate of so great Value comes to be sold all in one Lot, it ceases to be a Purchase fit for the Generality of Mankind, and comes to be a Bargain proper only for a few, who have very large Sums to employ in purchasing Lands.

But had the Publick Notice given of the Sale signified that the Estate was certainly to have been sold in one Lot, Gentlemen intending to purchase Parcels might have agreed together to have appointed a Trustee for purchasing the Whole, and would undoubtedly have given over Hopes of coming at Parcels, by bidding for them severally: But as they had no Jealousy, that this Estate was to have been sold otherwise than in Parcels, no Concert of this Kind was settled; and you see, Sir, by the Instrument taken by

by Mr. Gordon, the Commissioners were not willing to allow Purchasers any Time to come to an Agreement amongst themselves, which might have produced a larger Price for the Estate.

In the Belief that the Estate was to have been sold in twelve Parcels, Bidders appeared, particularly Mr. Gordon, who was willing to have paid after the Rate of 22 Years Purchase for three several Baronies or Parcels. What Hurt it would have done to the Publick, to have received so large a Price, I do not very well understand ; but the Commissioners, it seems, thought it would have been hurtful, and therefore they had Recourse to their reserved Power, and declared, that the Sale was to be made of the Estate in four Parcels, and not in twelve ; and when there was an Appearance of finding Purchasers, even according to that Partition, a fresh Order was made, that the whole Estate should be sold in one Lot ; which made it a Bargain, as it seems the Commissioners thought, fit for no Body but the Gentleman whom they afterwards declar'd to be the Purchaser. For it appears plainly from the Appendix to their own Report, as well as from the Instruments here inclos'd, that Mr. *Mau's* Bidding for the whole Estate was a Surprize upon'em. In this unexpected Event, What to do ? was the Question. The reserved Power of selling together, or in Parcels, had done very well ;

it had shaken off a good many Bidders; but that Power could now be of no farther Use, since here was a Purchaser who offer'd for the Whole. In this Perplexity they continued for some Time, 'till Mr. *Maul* was allowed to make, and to subscribe three several Offers: But when by these Means the Price was in Danger of rising above 19 Years Purchase, they bethought themselves of a new Expedient, which the Law never had in its Eye; Mr. *Maul* must instantly, or at farthest in two Hours give Security for the Purchase-money: And upon his being unable to comply with that new Demand, he is barr'd from bidding for the Estate, and the Purchase is declared in favour of a Gentleman, who had offered a smaller Sum than Mr. *Maul*.

I doubt not, Sir, but the Commissioners will be able to give the House of Commons very good Reasons for the whole of this Proceeding; and particularly, why they invented this Conceit of constraining Mr. *Maul* to give Security, and why they refused to allow him 24 Hours to provide such Security. But one would think, 'tis reasonable that they should be oblig'd to explain themselves on this Subject, in that House, since we do not know very well any other Place in which they can be brought to an Account for it.

I am, SIR,
Edinburgh,
Feb. 22. 1720. *Your most humble Servant.*

*At Edinburgh, the Tenth Day of October,
in the Year of GOD, One thousand seven
hundred and nineteen, and of the Reign
of our Sovereign Lord GEORGE, by
the Grace of GOD, of Great-Britain,
France, and Ireland, KING, Defender
of the Faith, &c. The sixth Year.*

TH E which Day, in Presence of me
Notary Publick, and Witnesses subscrib-
ing, COMPEARED personally *James Gor-*
don of Ellon, in Presence of the Honourable
Commissioners and Trustees for Forfeited E-
states in *Scotland*, sitting in Court in their
Office in the *Parliament-Closs*, where they
had met for exposing to Publick Roup and
Sale the Lands and Estate that heretofore be-
longed to *James* late Earl of *Panmure*; and
there when the said Commissioners had be-
gun to proceed to the said Roup, and ha-
ving, instead of causing to be read the Articles
and Rules contained in the publick Adverti-
sement, caused their Clerk to read other new
devised Articles, far different from the for-
mer, and particularly, that the said Estate of
Panmure was to be expos'd in four different
Parcels and Lots, and the Clerk being inter-
rupted by *Mr. Haldane*, one of the said
Trustees, and these new Articles, after rea-
ding, taken from him; and *Mr. Haldane* had
publickly intimated from their Table, that
they Would put the Estate only to Roup in
gross,

gross, unless there were as many Offerers for Parcels, as would exhaust the whole Parts of the said Estate, the said *James Gordon* did represent to the said Honourable Commissioners and Trustees, that he came to be an Offerer on the Faith of their Public Advertisements, and Articles of Roup therein mentioned, with a sincere and honest Intention to buy several considerable Baronies, that he had no sufficient Fund for purchasing the Whole, the Value whereof was very high, declared, that he was willing to buy the Baronies of *Panmure, Brechin, Barry, Edzell,* and *Behelvies*, for which he instantly offered twenty Years Purchase, which was two Years Purchase more than what was set on the said Estate by the said Commissioners and Trustees in their Rules and Articles of Roup, and made separately an Offer for the Baronies of *Panmure, Brechin* and *Barry*, of 22 Years Purchase, if these should be separately expos'd, which last Offer exceeded the stated Price of the said Commissioners and Trustees in four Years Purchase; and assured them, that he would bid, or make Offer for every separate Parcel contain'd in the Advertisements, as the same should be expos'd in Course: And thereafter he the said *James Gordon* farther declared openly in Court, that if he had apprehended, that the Commissioners and Trustees would have inverted the Order of Sale, contrary to their own Advertisements and established

established Articles and Rules, either that he would have procured Subscriptions from Responsible Persons for buying the whole Estate in gross, or at least, that he would have found Purchasers for every Part and Parcel of the Estate, that so nothing remained unsold; and with great Submission intreated of the said Commissioners and Trustees, that they might defer for three Days the said Roup and Sale, that so he might in that Time make good his above-mentioned Proposal, and further urged, that it ought to be a good Argument for the said Commissioners and Trustees for putting the Estate to Sale by Parcels, That the Estate of *George* late Earl of *Winton*, was sold in Parcels, Lots, or Divisions, at a higher Price than it could have been sold all entire, or without being split and divided, nor did any Part or Lot thereof remain unsold: And declared, that he did conceive, that after these Offers and Proposals made by him so much for the Interest of the Publick and all concerned, that the Estate of *Panmure* either ought to be exposed to Sale in Lots and Divisions, or the Sale of the Estate delayed for three Days for the above Purpose. NOTWITHSTANDING whereof the said Commissioners and Trustees refused to sell by the Divisions contained in their Advertisements, or by other Lots and Parcels, wherein they had shaped the Estate a few Minutes before the

B

Sale,

Sale, but proceeded to roup the Estate in gross, or in whole Sale. AND THEREFORE, the said *James Gordon* protested against the same: And upon the whole Premises above-written, asked and took Instruments, one, or more, in the Hands of the Clerk to the said Roup, and in the Hands of me Notary Publick subscribing. These Things were done in the said Commissioners Office in the *Parliament-Closs*, Place, Day, Month, Year of God, and KING's Reign respective aforesaid, betwixt the Hours of 11 in the Forenoon, and one in the Afternoon: IN PRESENCE of *David Spence* Merchant in *Edinburgh*, *William Ross*, *Benjamin Allan*, Mr. *David Maule*, and *John Hodge*, all Writers in *Edinburgh*, Witnesses called and required to the Premises.

Witneses, *Ita est ut præmittitur, ego*
Ben. Allan, } *Alexander Ramsay Nota-*
John Hodge, } *rius Publicus, in Præmiss.*
Da. Maule. } *requisitus, his meis Signo &*
 Subscriptione manuali at-
 testor, A---R---N---P--.

At Edinburgh, the Tenth Day of October, One thousand seven hundred and nineteen Years, and of the Reign of our Sovereign Lord GEORGE, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. the Sixth Year.

THE which Day, in Presence of me Notary Publick, and Witnesses subscribing,

bing, COMPEARED personally Mr. *James Gordon of Ellon*, and past with us to the personal Presence of the Honourable the Commissioners and Trustees for the Forfeited Estates in *Scotland*, sitting in Court in their Office in the *Parliament-closs*, having in his Hands an Appeal by him from the said Commissioners and Trustees to the Court of Delegates, the Tenor of which Appeal follows in these Words: APPEAL AND EXCEPTIONS for *James Gordon of Ellon* from the Commissioners and Trustees of the Forfeited Estates in *Scotland* to the Court of Delegates. THE Commissioners and Trustees of the Forfeited Estates in *Scotland* having given publick Notice of their Resolutions to put to Sale by publick Roup the Estate of *James* late Earl of *Panmure*, on the Ninth Instant; and having in their publick Advertisements made twelve Divisions of the said Estate, and having notified therein, that the Sale would proceed either in Parcels, conformable to the said Divisions, or in gross; and the said *James Gordon* having come to the Office of the said Commissioners and Trustees at the Diet of Roup, with Intention to have bought, or, at least, offered, and bought several considerable Parcels of the said Estate, expecting an equal and just Management and Administration on the Part of the Trustees, and such as might be considered as impartial towards every Person, who should come there to make Offer

of Purchase, as well as an exact Observance on their Part of the Articles of Sale and Roup deduced in their publick Notifications. But when the said Commissioners and Trustees began to proceed to the said Roup, they, instead of causing to be read the Articles and Rules contain'd in the publick Advertisement, which ought to have been peremptorily followed, caused their Clerks to read other new devised Articles far different from the former; and particularly that the said Estate of *Panmure* was to be exposed in four different Parcels and Lots. And the Clerk being interrupted by Mr. *Haldane* one of the said Trustees, and these new Articles (after reading) taken from him, who thereafter publickly intimate from their Table, that they would put the said Estate only to Roup in Gross, unless there were as many Offerers for Parcels, as would exhaust the whole Parts of the Estate. And the said *James Gordon* having with great Submission demeaned himself to the said Commissioners and Trustees, REPRESENTING, That he came to be an Offerer on the Faith of the publick Advertisements and Articles of Roup therein mentioned, with a sincere and honest Intention to buy several considerable Baronies: That he had no Sufficiency of Fund for purchasing the Whole, the Value whereof was very high, Declared, that he was willing to buy the Baronies of *Panmure, Brechin, Barry, Edzell,*

Edzel, and *Bebelviess*, for which he did offer instantly Twenty Years Purchase, which was two Years Purchase more than that which was set on the said Estate by the said Commissioners and Trustees within the Rules and Articles of Roup, and made separately an Offer for the Baronies of *Pannure*, *Brechin*, and *Barry*, of 22 Years Purchase, if these should be separately expos'd. Which last Offer exceeded the stated Price of the said Commissioners and Trustees in Years Purchase, the stated Price, as said, being only

Years Purchase. And he yet farther declar'd openly in Court, that if he had apprehended that the Commissioners and Trustees would have inverted the Order of Sale, contrary to their own Advertisements and establish'd Articles and Rules, that he would have procur'd either Subscriptions from responsible Persons for buying the whole Estate in gross, or at least, there should be sufficient responsible Persons at the Roup, who would have bid for every Part and Parcel of the Estate, that so nothing would have remained unfold; and with great Submission intreated of the Commissioners and Trustees, that they might defer for three Days the said Roup and Sale, that so he might in that Time make good his abovemention'd Proposal. AND FARTHER urged, that it ought to be a good Argument for the said Commissioners and Trustees, for putting the Estate to Sale by Parcels;

cells; that the Estate of *George* late Earl of *Winton*, was sold in Parcels, Lots, or Divisions, at a higher Price than it could be sold at entire, without being split, and divided, nor did any Part or Lot thereof remain unsold; and declared, that he did conceive that after these Offers and Proposals made by him so much for the Interest of the Publick, and all concerned, that the Estate of *Pannure*, either ought to be expos'd to Sale in Lots and Divisions, or the Sale of the Estate delayed for three Days for the above Purpose, and upon all which Matters he did take Instruments in the Hands of *Alexander Ramjay* Notary Publick. NOTWITHSTANDING whereof the said Commissioners and Trustees proceeded to the Sale of the said Estate, refusing to sell by the Divisions contain'd in their Advertisements, or by other Lots and Parts wherein they had shap'd the Estate a few Minutes before the Sale, but proceeded to roup the Estate in gross, or whole Sale, and sold the Estate to *Hacket* for little more than 19 Years Purchase. By which Procedure of the said Commissioners and Trustees, the said *James Gordon* conceives himself to be lesed and injured, and the Publick highly prejudiced and damnify'd. AND THEREFORE, he does appeal from the said Commissioners against their Sentence and Decree of Sale to the Court of Delegates, that the Proceedings of the Commissioners

missioners and Trustees may be review'd by
 the Court of Delegates, and their said Sen-
 tence and Decree of Sale revers'd and over-
 turn'd. And he does require the said Com-
 missioners and Trustees, conformable to the
 Act 4^{to} Georgii, entituled, *An Act for vesting
 the forfeited Estates in Great Britain and Ire-
 land in Trustees, to be sold for the Use of the
 Publick, &c.* to cause his said Appeal to be
 duly entred and registred in their Books, and
 with all convenient Speed transmit a true
 Transcript or Extract thereof, and of their
 Determination or Decree of Sale under their
 respective Hands and Seals, to the Court of
 Delegates, for hearing and finally determi-
 ning the same. In Witness whereof these Pre-
 sents, written by *David Maule* Writer in *E-
 dinburgh*, are subscrib'd, and presented by the
 said *James Gordon*, at *Edinburgh*, the Tenth
 Day of *October*, One thousand seven hundred
 and nineteen, before these Witnesses, *Benja-
 min Allan* Writer in *Edinburgh*, and the said
David Maule. Sic subscribitur, *James Gordon*,
Benjamin Allan, and *David Maule* Witnesses,
Alexander Ramsay Notary Publick. And there
 the said Mr. *Ja. Gordon* of *Ellon* did exhibite,
 present and give in to the said Commissioners
 and Trustees his aforesaid Appeal, and pro-
 tested that they might registrate the same,
 and transmit a true Transcript or Extract
 thereof, and of their Judgment, Determina-
 tion or Decree, under their Hands and Seals,

to the Court of Delegates, for hearing and determining the Case as aforesaid. And thereupon took Instruments in the Hands of the said Commissioners and Trustees their Clerks, and in the Hands of me *Alexander Ramsay* Notary Publick, subscribing. These Things were done in the said Commissioners and Trustees their Office in *Edinburgh*, betwixt the Hours of Twelve at Noon, and One in the Afternoon, in the Presence of the said *Benjamin Allan* and *David Maule* Writers in *Edinburgh*, Witnesses specially call'd and requir'd to the Premisses, and divers others, Place, Day, Month, Year of God, and of the King's Reign respective aforesaid.

Witnesses,
Benjamin Allan,
David Maule.

Ita esse ut premititur, ego *Alexander Ramsay*, *Notarius Publicus* in *Premiss.* requisitus, his meis Signo & Subscriptionem manuali attestor, A----. R----. N---. P---

At



*At Edinburgh, the Ninth Day of October,
One thousand seven hundred and nineteen,
and of the Reign of Our Sovereign Lord
GEORGE, by the Grace of GOD, of Great
Britain, France, and Ireland, King, Defen-
der of the Faith, &c. the Sixth Year.*

THE which Day, in Presence of me
Notary Publick, and Witnesses subscrib-
ing, COMPEARED personally *James Maule*
Writer in *Edinburgh*, in Presence of the Ho-
nourable Commissioners and Trustees for
Forfeited Estates in *Scotland*, sitting in Court,
and in their Office in the *Parliament-
Cloſs*, where they were exposing to publick
Roup and Sale the Lands and Estate that
heretofore belonged to *James* late Earl of
Pannure, and did make Offer for the ſaid
Lands and Estate of Fifty eight thousand
one hundred Pounds *Sterl.* which was One

C

hun-

hundred Pounds more than was offered by Mr. *Hacket* another Bidder at the said Roup ; and having signed the said Offer, and then One hundred Pounds more being offered on the Part of the said Mr. *Hacket*, or Mr. *Wicker*, also another Bidder ; The said Mr. *James Maule* did offer One hundred Pounds more above their Price, and sign'd, or subscrib'd his said Offer : And thereafter other Offers having been made, and sign'd, the said Mr. *James Maule* did at length make Offer of Sixty thousand Pounds for the said Lands, and sign'd his said Offer: Then the said Mr. *Hacket*, or Mr. *Wicker*, having offer'd Two hundred Pounds above the said Mr. *James Maule*, he did offer One hundred Pounds more above their Offer. And when he the said Mr. *James Maule* was going to sign, or subscribe his said Offer, the said Commissioners, or one or other of them, did enter into Conference with the said Mr. *Hacket*, or Mr. *Wicker*; and thereafter the said Commissioners did confer among themselves, and after these Conferences, did forbid the Clerk to allow Mr. *Maule* to sign his last mentioned Offer, and said, that the said Mr. *James Maule* was not known to them, and desired the Article of the Auction anent the Penalty to be read; which being done, it was said by one

one of the Commissioners, that they were of Opinion the said Mr. *James Maule* could not be allowed to bid further, 'till he produce sufficient Security, at least for the Penalty; and after some Debate, they first agreed to allow Half an Hour, and at length two Hours to the said Mr. *James Maule*, to satisfy them, that he had a sufficient Credit to the Extent of the Penalty; and he having answered, that having come to offer on the Faith of their Advertisements, and in the Terms of the Act of Parliament, and the Articles of Auction by them published, that he did not think himself obliged to produce such Security as they demanded, that the Time propos'd for that Effect was too short, and the Overture new and surprising, neither pointed at in the Advertisements nor Articles of Auction, nor was any such Demand made to former Bidders, who were of no greater visible Fortune, in Sales of the Estates of *Winton* and *Kilsyth*, but yet desir'd three Days to give them Satisfaction thereanent; which being refus'd, and the said *James Maule* then desiring Twenty four Hours might be allow'd, that was likewise rejected. Mr. *Hacket* then a Counter-offerer having enquired of the Clerk what was the Amount of the last Offer made by the said Mr. *James Maule*, and being told,

that it extended to Sixty thousand and three hundred Pounds *Sterling*, he of new offered Sixty thousand four hundred Pounds *Sterl.* and then the said Mr. *James Maule* did offer One hundred Pounds more than the said Mr. *Hacket*, and gave in to the Clerk of the Roup a Guinea, as Earnest of his Offer, by which he became the highest Offerer; was notwithstanding thereof, stopp'd from signing his Offer, by Order of the Court: WHEREUPON the said Mr. *James Maule* protested, that he should be preferr'd to the Purchase of the said Estate, as highest Offerer therefor; and that all Writs, Contracts or Indentures of Sale thereof to be made and executed by the said Commissioners and Trustees to any other Person or Persons whatsoever, should be void and null. And upon the whole Premisses, the said Mr. *James Maule* asked and took Instruments, one or more, in the Hands of the Clerk to the said Roup, and also in the Hands of me Notary Publick subscribing. These Things were done in the said Commissioners their Office in the *Parliament-Closs*, Place, Day, Month, Year of God, and King's Reign respective aforesaid, betwixt the Hours of Eleven in the Forenoon and One in the Afternoon, in Presence of *David Spence* Merchant in *Edinburgh*, *William*

liam Ross, Benjamin Allan, Mr. David Maule, and John Hodge, all Writers in Edinburgh, Witnesses specially called and required to the Premises.

BENJAMIN ALLAN,
JOHN HODGE,
DAVID MAULE, } *Witness.*

Ita esse ut præmittitur, ego Alexander Ramsay Notarius Publicus, in Præmiss. requisitus, his meis signo & subscriptione manualibus, Attestor. A---, R---, N---, P---.

At

*At Edinburgh, the Tenth Day of October,
in the Year of GOD, One thousand seven
hundred and nineteen, and of the Reign
of our Sovereign Lord GEORGE, by
the Grace of GOD, of Great Britain,
France, and Ireland, KING, Defender
of the Faith, &c. the Sixth Year.*

THE which Day, in Presence of me No-
tary Publick, and Witnesses subscrib-
ing, compeared personally Mr. *James
Maule* Writer in *Edinburgh*, and past with us
to the personal Presence of the Honourable,
the Commissioners and Trustees for the
Forfeited Estates in *Scotland*, sitting in Court
in their Office in the *Parliament-Closs*, having
in his Hands an Appeal from the said Com-
missioners and Trustees to the Court of De-
legates; the Tenor of which Appeal follows
in these Words: APPEAL for Mr. *James
Maule* Writer in *Edinburgh*, from the Com-
missioners and Trustees for the Forfeited E-
states in *Scotland*, to the Court of Delegates.
There being publick Notice given by the
said Commissioners and Trustees, that the
Estate of *James* late Earl of *Panmure*, was
to be sold by Cant or Auction, on the Ninth
Instant, with due Encouragement to every
Person or Persons to come and offer at the
said

said Roup: And he the said Mr. *James Maule*
 having upon the Publick Invitation, come to
 the said Office on the Day and Hour of the
 said Roup, did make Offer of Fifty eight
 thousand one hundred Pounds *Sterl.* which
 was One hundred Pounds more than what
 was offered by Mr. *Hacket* another Bidder
 at the Roup: And having signed the said
 Offer, and then One hundred Pounds more
 being offered on the Part of the said Mr.
Hacket or Mr. *Wicker*, the said Mr. *James*
Maule did offer One hundred Pounds more
 above their Price, and signed or subscribed
 his second Offer; and then Mr. *Hacket* or
 Mr. *Wicker* having of new offered Five
 hundred Pounds above the Offer made by
 the said Mr. *James Maule*, he the said Mr.
James Maule did offer Sixty thousand Pounds
Sterl. and signed his third Offer; Then the
 said Mr. *Hacket* or Mr. *Wicker*, having of-
 fered Two hundred Pounds above the said
 Mr. *James Maule*, he did offer One hundred
 Pounds more above their Offer; and when
 the said Mr. *James Maule* was going to sign
 or subscribe his fourth Offer, the said Com-
 missioners, or one or other of them, did en-
 ter into Conference with the said Mr. *Hac-*
ket or Mr. *Wicker*; and thereafter, the said
 Commissioners conferr'd among themselves;
 And after these Conferences, did forbid the
 Clerk to allow Mr. *Maule* to sign his fourth
 Of-

Offer, and said, That the said Mr. *James Maule* was not known to them, and desired the Article of Auction anent the Penalty to be read; which being done, it was said by one of the Commissioners, that they were of Opinion the said Mr. *James Maule* could not be allowed to bid farther, till he produce sufficient Security, at least for the Penalty. And after some Debate, they first agreed to allow Half an Hour, and at length Two Hours, to the said Mr. *James Maule* to satisfy them that he had a sufficient Credit to the Extent of the Penalty: And he having answered, that having come to offer on the Faith of their Advertisements, and in the Terms of the Act of Parliament, and Articles of Auction by them published, that he did not think himself obliged to produce such Security as they demanded. That the Time proposed for that Effect, was too short, and the Overture new and surprizing, neither pointed at in the Advertisement nor Articles of Auction, nor ever any such Demand made to former Bidders, who were of no greater visible Fortune, in the Cases of *Winton & Kilsyth*, but desired three Days to give them Satisfaction thereanent; which being refused, and the said Mr. *James Maule* then desiring Twenty four Hours might be allowed, that was likewise rejected. Mr. *Hacket* then a Counter Offerer, having enquired

quired of the Clerk, what might be the Amount of the last Offer made by the said Mr. *James Maule*? And being told, that it extended to Sixty thousand three hundred Pounds *Sterling*, he of new offered Sixty thousand four hundred Pounds; and the said Mr. *James Maule* having offered One hundred Pounds more than the said Mr. *Hacket*, by which he became the highest Offerer, was notwithstanding thereof, stopt from signing his Offer, by Order of Court; upon which his Guinea and Half-crown, as Earnest and Instrument-money were offered to him, but he refused them, and both are still retained by the Clerk of the Court: And the said Mr. *Hacket* was preferred to the Sale. WHEREUPON, the said Mr. *James Maule* did take Instruments in the Hands of the Clerks of the Court, and also in the Hands of *Alexander Ramsay* Notar Publick, that he was the highest Offerer in One hundred Pounds *Sterling*, and thereby had Right to the Estate put to Auction; and that the Preference of Mr. *Hacket* as Purchaser, was by the partial Favour of the Court, neither suitable to Law nor Justice, nor the Rules and Articles of Roup stated by the Commissioners. By which Procedure and partial Preference, the said Mr. *James Maule* conceives himself highly aggrieved, and that he is entitled by the Law and Acts of Parliament

to have the Case reviewed by the Court of Delegates, whose Sentence is only final. And therefore, Appeals from the said Commissioners and Trustees to the Court of Delegates, and does require that the said Commissioners and Trustees may cause the said Appeal to be fairly entred and registrate in their Books, and that with all Speed they may transmit a true Transcript or Extract thereof, and of their Judgment, Determination or Decree, under their respective Hands and Seals, to the Court of Delegates, for hearing and determining the Case. In Witness whereof, these Presents, written by *David Areskine* Writer in *Edinburgh*, are subscribed and presented by the said *James Maule*, at *Edinburgh* the tenth Day of *October* One thousand seven hundred and nineteen Years, before these Witnesses, *Benjamin Allan* and *David Maule* Writers in *Edinburgh*, sic subscribitur, *James Maule*. *Alexander Ramsay* N. P. *Benjamin Allan* Witness. *David Maule* Witness. And there the said Mr. *James Maule* did exhibite, present and give in to the said Commissioners and Trustees, his foresaid Appeal, and protested that they might registrate the same, and transmit a true Transcript or Extract thereof, and of the Judgment, Determination or Decree, under their Hands and Seals,

to the Court of Delegates, for hearing and determining the Case as aforesaid. And thereupon took Instruments in the Hands of the said Commissioners and Trustees their Clerks, and in the Hands of me Notar Publick subscribing. These Things were done in the said Commissioners and Trustees their Office in *Edinburgh*, betwixt the Hours of Twelve at Noon, and One in the Afternoon, in the Presence of the said *Benjamin Allan* and *David Maule* Writers in *Edinburgh*, Witnesses specially call'd and requir'd to the Premisses, and divers others, Place, Day, Month, Year of God, and of the King's Reign aforesaid.

Witnesses,
Benjamin Allan, }
David Maule. }

Ita esse ut pramittitur, ego Alexander Ramsay, Notarius Publicus in Pramiss. requisitus, his meis Signo & Subscriptionem manualibus attestor, A----. R----. N---, P---

to the Court of Delegates, for hearing and
determining the Case as aforesaid. And
thereupon took Instruments in the Hands
of the said Commissioners and Trustees
their Clerks, and in the Hands of me
Notar Publick subscribing. These Things
were done in the said Commissioners and
Trustees their Office in Edinburgh, betwixt
the Hours of Twelve at Noon, and One in
the Afternoon, in the Presence of the said
Benjamin Allan and David Mann's Writers
in Edinburgh, Witnesses specially call'd and
requir'd to the Premises and divers others,
Place, Day, Month, God, and of
the King's Reign aforesaid.



Witnesses,
Benjamin Allan,
David Mann's
Writers

to
det
the
of
the
No
we
Tr
the
the
Be
in
to
Pl
the

From
Da